

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY MIKKEL RICE,

Petitioner,

v.

Civil Case No. 19-11184
Honorable Linda V. Parker

MATT MACAULEY

Respondent.

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**OPINION AND ORDER DENYING PETITIONER'S MOTION FOR
RECONSIDERATION (ECF NO. 22)**

Petitioner, Gregory Mikkell Rice, filed this pro se petition for a writ of habeas corpus pursuant 28 U.S.C. § 2254, raising three grounds for relief. On February 10, 2020, the Court issued an Opinion and Order granting Petitioner's motion to stay proceedings and hold the petition in abeyance, administratively closing the case, and denying as moot Petitioner's remaining motions. (ECF No. 19.) The matter is presently before the Court on Petitioner's Motion for Reconsideration, ECF No. 22. For the reasons that follow, the Court is denying the motion.

Applicable Standard

Eastern District of Michigan Local Rule 7.1 (h) governs motions for reconsideration. As currently written, the rule provides as following with respect

to non-final orders such as the decision on Defendant's motion to dismiss:

(2) Non-Final Orders. Motions for reconsideration of non-final orders are disfavored. They must be filed within 14 days after entry of the order and may be brought only upon the following grounds:

(A) The court made a mistake, correcting the mistake changes the outcome of the prior decision, and the mistake was based on the record and law before the court at the time of its prior decision;

(B) An intervening change in controlling law warrants a different outcome; or

(C) New facts warrant a different outcome and the new facts could not have been discovered with reasonable diligence before the prior decision.

E.D. Mich. L.R. 7.1(h)(2). "A motion for reconsideration is not intended as a means to allow a losing party simply to rehash rejected arguments or to introduce new arguments." *Southfield Educ. Ass'n v. Bd. of Educ. of Southfield Pub. Schs.*, 319 F. Supp. 3d 898, 901 (E.D. Mich. 2018).

Analysis

In the motion, Petitioner maintains that the Court should reconsider its January 31, 2023 Order, which denied Petitioner's application for leave to appeal "the erroneous decision of the Michigan Court of Appeals issued on September 20, 2022 in this case." (ECF No. 22 at Pg ID 2785.) However, the Court never issued any such order nor does the docket reflect any entries on January 31. At the time Petitioner filed this Motion for Reconsideration, —February 21, 2023—the Court's

last Opinion and Order was issued on **February 10, 2020** (ECF No. 19) as noted above, granting Petitioner's motion to stay proceedings and holding the petition in abeyance, administratively closing the case, and denying as moot Petitioner's remaining motions. The Court is unclear as to what Order Petitioner is referring to, and as such, is unable to reconsider an Order that does not exist.

Accordingly,

IT IS ORDERED that Petitioner's Motion for Reconsideration (ECF No. 22) is **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: June 21, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, June 21, 2023, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager